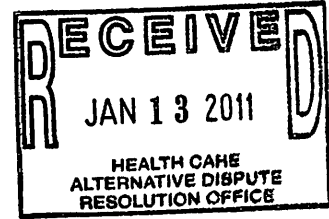


IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE
STATE OF MARYLAND



ANNA M. OTTO
1226 Hillside Road
Pasadena, MD 21122,

Claimant,

v.

HCA No. 2011 · 029

GARY WARBURTON, D.D.S., M.D.
650 W. Baltimore Street, Suite 1401
Baltimore, MD 21201

and

MICHAEL HARTMAN, D.M.D., M.D.
207 South 32nd Street
Camp Hill, PA 17011

and

AMRO SHIHABI, D.M.D., M.D.
650 W. Baltimore Street
Baltimore, MD 21201

and

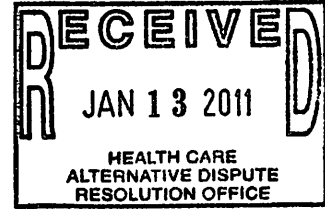
UNIVERSITY OF MARYLAND ORAL-
MAXILLOFACIAL SURGERY ASSOCIATES
Suite 410
419 West Redwood Street
Baltimore, MD 21201

SERVE ON:
Resident Agent
Robert Ord
410 W. Redwood Street
Baltimore, MD 21201

and

UNIVERSITY OF MARYLAND MEDICAL
SYSTEM CORPORATION d/b/a
UNIVERSITY OF MARYLAND MEDICAL
CENTER
22 South Green Street
Baltimore, MD 21201

SERVE ON:
Resident Agent
Megan M. Arthur
250 W. Pratt Street, 24th Floor
Baltimore, MD 21201



Health Care Providers.

STATEMENT OF CLAIM

COMES NOW the Claimant, Anna M. Otto, by and through their attorneys,
and sues Health Care
Providers Gary Warburton, D.D.S., M.D.; Michael Hartman, D.M.D., M.D.; Amro Shihabi,
D.M.D., M.D.; University of Maryland Oral-Maxillofacial Surgery Associates and University
of Maryland Medical System Corporation d/b/a University of Maryland Medical Center,
jointly and severally, and for causes of action state:

1. Claimant Anna M. Otto resides at 1226 Hillside Road, Pasadena, Maryland
21122. At the time of these events, Claimant Anna M. Otto was a police officer and
member of the Baltimore County Police Department.

2. The amount of this claim exceeds Thirty Thousand Dollars (\$30,000.00), and
venue is proper in Baltimore City where Health Care Providers Gary Warburton, D.D.S.,
M.D.; Michael Hartman, D.M.D., M.D.; Amro Shihabi, D.M.D., M.D.; University of Maryland
Oral-Maxillofacial Surgery Associates and University of Maryland Medical System
Corporation d/b/a University of Maryland Medical Center practice medicine and operate a
hospital facility. It is also where aforesaid Health Care Providers maintain a principal place
of business. Baltimore City is also where the negligence complained of occurred.

3. At all times relevant hereto, the Health Care Provider Gary Warburton, D.D.S., M.D., was a doctor of dental surgery (D.D.S.) and a medical doctor (M.D.) and was the actual or apparent agent, servant, and/or employee of the Health Care Providers University of Maryland Oral-Maxillofacial Surgery Associates and/or University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center and was at all times acting within the scope of his agency, employment, and/or duties.

4. At all times relevant hereto, the Health Care Provider Michael Hartman, D.M.D., M.D., was a doctor of dental medicine (D.M.D.) and a medical doctor (M.D.) and was the actual or apparent agent, servant, and/or employee of the Health Care Providers University of Maryland Oral-Maxillofacial Surgery Associates and/or University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center and was at all times acting within the scope of his agency, employment, and/or duties.

5. At all times relevant hereto, the Health Care Provider Amro Shihabi, D.M.D., M.D., was a doctor of dental medicine (D.M.D.) and a medical doctor (M.D.) and was the actual or apparent agent, servant, and/or employee of the Health Care Providers University of Maryland Oral-Maxillofacial Surgery Associates and/or University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center and was at all times acting within the scope of his agency, employment, and/or duties.

6. At all times relevant hereto, the Health Care Provider University of Maryland Oral-Maxillofacial Surgery Associates was a duly licensed and professional corporation organized and existing under the laws of the State of Maryland providing medical services to the Baltimore City community.

7. At all times relevant hereto, the Health Care Provider University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center was a duly

licensed and professional corporation organized and existing under the laws of the State of Maryland providing hospital and medical services to the Baltimore City community. Said medical services included, but were not limited to, the operation of a hospital which included both inpatient and outpatient dental surgery services.

8. Sometime prior to March 4, 2008, Claimant Anna Otto was referred by her local dentist to Health Care Provider Gary Warburton, D.D.S., M.D., for ongoing pain, discomfort, and disability of her right tempo mandibular jaw joint.

9. After consultation with Health Care Provider Gary Warburton, D.D.S., M.D., a diagnosis of "articular disc disorder" was made and an outpatient right tempo mandibular joint arthroplasty was recommended to which the Claimant agreed.

10. On March 4, 2008, Claimant Anna Otto was scheduled for this procedure at Health Care Provider University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center.

11. Following completion of the procedure, Claimant Anna Otto was transported from the operating room to the post-anesthesia care unit (PACU). Shortly after arriving at the PACU, Anna Otto became uncommunicative and obtunded with signs and symptoms of a brain bleed.

12. Claimant was rushed back to emergency neurosurgery where she was found to have a hole in the top or roof of the tempo mandibular joint ("glenoid fossa") that extended into and through the floor of the skull ("middle cranial fossa") with evidence of bleeding from arteries providing blood to the brain.

13. The bleeding was extensive and caused both swelling and shifting of the brain causing permanent and irreversible brain damage to the Claimant.

14. Gary Warburton, D.D.S., M.D.; Michael Hartman, D.M.D., M.D.; Amro Shihabi, D.M.D., M.D.; University of Maryland Oral-Maxillofacial Surgery Associates by and through its aforesaid agents, servants and employees; and University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center, by and through its aforesaid agents, servants and employees, jointly and severally, owed a duty to the Claimant Anna Otto to exercise that degree of skill, care, judgment and expertise ordinarily possessed and used by healthcare providers acting in the same or similar circumstances.

15. The Claimant, Anna Otto, relied upon the Health Care Providers, Gary Warburton, D.D.S., M.D.; Michael Hartman, D.M.D., M.D.; Amro Shihabi, D.M.D., M.D.; University of Maryland Oral-Maxillofacial Surgery Associates by and through its aforesaid agents, servants and employees; and University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center, by and through its aforesaid agents, servants and employees, to exercise that degree of skill and care to properly, accurately, and timely perform the arthroplasty procedure as would other reasonable health care providers if presented with the same or similar circumstances.

16. The foregoing Health Care Providers and each of them breached the applicable standard of care in one or more of the following ways:

- a. Negligently failing to adequately control the needle and/or trocar introduced into the Claimant's tempo mandibular joint space during the arthroscopy procedure on March 4, 2008.
- b. Negligently penetrating, buckling and/or fracturing the roof of the glenoid fossa and the floor of the middle cranial fossa resulting in bleeding and hemorrhage into the brain during the arthroscopy procedure on March 4, 2008.

- c. Negligently failing to adequately supervise, instruct, monitor and direct the placement of the needle and/or trocar introduced into the Claimant's tempo mandibular joint space during the arthroscopy procedure on March 4, 2008.
- d. For other and further reasons as may be determined during the discovery in this matter.

17. Claimant was not contributorily negligent and did not assume the risk of her injury.

18. As a direct and proximate result of these acts of negligence on the part of the Health Care Providers Gary Warburton, D.D.S., M.D.; Michael Hartman, D.M.D., M.D.; Amro Shihabi, D.M.D., M.D.; University of Maryland Oral-Maxillofacial Surgery Associates by and through its aforesaid agents, servants and employees; and University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center, by and through its aforesaid agents, servants and employees, jointly and severally, Claimant Anna Otto, has sustained permanent injury to her brain and is permanently partially paralyzed. Said injuries are painful and permanent. Claimant has incurred great expenses in the past, present, and future for medical expenses and the Claimant did in the past and will continue in the future to suffer great injury to her body; great pain, suffering, and mental anguish; and did in the past and will in the future incur great medical, physician, hospital, rehabilitation and related costs. In addition, Claimant suffered loss of enjoyment of life and the ability to pursue the ordinary pleasures of life because of her physical and mental injury. Claimant has also suffered a loss of wages and wage earning capacity. These injuries and damages are permanent.

WHEREFORE, as a result of the foregoing, Claimant Anna Otto respectfully demands judgment against the Health Care Providers Gary Warburton, D.D.S., M.D.;

Michael Hartman, D.M.D., M.D.; Amro Shihabi, D.M.D., M.D.; University of Maryland Oral-Maxillofacial Surgery Associates; and University of Maryland Medical System Corporation d/b/a University of Maryland Medical Center, jointly and severally, for compensatory damages in excess of the \$30,000.00 jurisdictional limit, plus interest, costs and other permissible damages.

Respectfully submitted,

Attorneys for Claimant